

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH CENTRAL DIVISION**

<p>SETH HARRIS, ACTING SECRETARY OF LABOR, UNITED STATES DEPARTMENT OF LABOR,</p> <p>PETITIONER, v.</p> <p>PARAGON CONTRACTORS CORPORATION, BRIAN JESSOP, and DALE BARLOW;</p> <p>RESPONDENTS.</p> <p>SETH HARRIS, ACTING SECRETARY OF LABOR, UNITED STATES DEPARTMENT OF LABOR,</p> <p>PETITIONER, v.</p> <p>KEITH DUTSON.</p> <p>RESPONDENT.</p>	<p>Case No. 2:13mc00281 RJS</p> <p>ORDER ADOPTING MAGISTRATE’S DECISION AND RECOMMENDATION TO ENFORCE ADMINISTRATIVE SUBPOENA AGAINST RESPONDENTS BARLOW AND DUTSON</p> <p>The Honorable Robert J. Shelby</p>
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Magistrate Furse held a Show Cause Hearing on May 21, 2013. On June 3, 2013, Magistrate Furse issued a Report and Recommendation to Enforce Administrative Subpoenas Against Respondents Barlow and Dutson. Upon review and consideration of the matters set forth in the Petitioner’s pleadings, the Court hereby ADOPTS Magistrate Furse’s Report and Recommendation and hereby:

1. Finds that Respondents Barlow and Dutson have failed to show cause why they should not be compelled to comply with Petitioner’s subpoena *ad testificandum*;

2. Orders a U.S. Marshall to serve a copy of Magistrate Furse's Report and Recommendation and this Order Adopting the Report and Recommendation on Respondents Barlow and Dutson;

3. Orders a U.S. Marshall to physically bring Respondents Barlow and Dutson to Courtroom Number 477 at the U.S. District Court for the District of Utah, Central Division, located at 350 Main Street, Salt Lake City, UT 84101, to provide testimony related to Wage Hour's investigation, with accessibility to Magistrate Furse should intervention from the Court become necessary, no later than 45 days after the date of this Order. Bench warrants for the arrest of Respondents Barlow and Dutson to execute this Order are attached hereto;

4. Orders all costs associated with the involvement of a U.S. Marshall to serve and physically transport Respondents Barlow and Dutson to Salt Lake City for subpoena testimony to be paid by Respondents Barlow and Dutson;

5. Orders all costs associated with Petitioner's travel to St. George, UT on February 25-26, 2013, for subpoena testimony proceedings when Respondent Dutson failed to appear, to be paid by Respondent Dutson. Petitioner shall submit a Bill of Costs no later than 30 days after the date of this Order;

6. Orders that the running of the applicable statute of limitations under the Fair Labor Standards Act is tolled from January 31, 2013, the date Respondent Barlow should have produced the subpoenaed information, until such time as Petitioner notifies the District Court that Respondent complied with the District Court's order enforcing the subpoena.

DATED this 12th day of July 2013.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'RJL', written over a horizontal line.

ROBERT J. SHELBY
United States District Court Judge